S.B. Civil Misc. Appeal No.690/2005

Aidana Ram and another.
vs.
Smt. Sunder Bai and another.

Date : 14.7.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. CS Kotwani, for the appellants.
Mr. AK Rajvanshy, for the respondents.

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Heard learned counsel for the parties.

This appeal is directed against the order dated 30.5.2005 by which the trial court dismissed the injunction application filed by the plaintiffs/appellants.

After hearing both the parties on 8.8.2005, this Court appointed Commissioner to inspect the site and submit the report. The report has been submitted by the Commissioner which has been taken on record. No objection has been filed by any of the parties against the Commissioner's report.

It appears that there is a serious dispute between the parties in relation to the immovable property and the parties are brothers. Therefore, it will be just and proper in the facts and circumstances of the case that the suit itself be decided expeditiously so that good senses may

prevail between the brothers and it will be appropriate that during the pendency of the suit, the parties may maintain status quo.

Consequently, this appeal is disposed of with a direction to both the parties to maintain status quo with respect to the suit property and further not to alienate the suit property. The trial court is requested to decide the suit as early as possible preferably within a period of six months from the date of receipt of copy of this order. Both the parties agree that they will cooperate in the matter.

(PRAKASH TATIA), J.

S.Phophaliya